

Attorney Docket No.: UT-0037  
Inventors: Rao and Proschel  
Serial No.: 10/025,333  
Filing Date: December 19, 2001  
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#### REMARKS

Claims 21 through 34 are pending in the instant patent application. Claims 21-32 have been canceled without prejudice. Claims 33 and 34 have been rejected. Claim 34 has been amended. No new matter is added by this amendment. Reconsideration is respectfully requested in light of these amendments and following remarks.

#### I. Restriction Requirement

The Examiner has made final the Restriction Requirement dated October 5, 2004 with respect to Groups III, IV and V being distinct from Groups I and II. The Examiner has re-joined Group I, claim 34, and Group II, claim 33.

Accordingly, in an earnest effort to advance the prosecution of this case, Applicants have canceled without prejudice nonelected claims 21-32. In light of the finality of this Restriction Requirement, Applicants reserve the right to file a divisional application to the canceled subject matter.

#### II. Obviousness-type Double Patenting Rejection

Claims 33 and 34 have been rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 and 15, respectively, of U.S. Patent 6,361,996. The Examiner has acknowledged that the conflicting claims are not identical

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but suggests that they are not patentably distinct based upon the difference between mammalian and rat.

Accordingly, in an earnest effort to advance the prosecution of this case, Applicants are submitting herewith a Terminal Disclaimer with respect to U.S. Patent 6,361,996.

Withdrawal of this rejection is therefore respectfully requested.

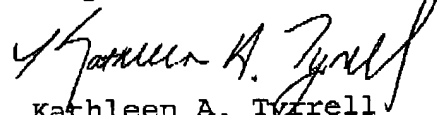
### III. Amendment to Claim 34

Claim 34 has been amended in accordance with the Examiner's suggestion to read "derived from the neural tube". No new matter is added by this amendment and its entry is respectfully requested.

### IV. Conclusion

Applicants believe that the foregoing comprises a full and complete response to the Office Action of record. Accordingly, favorable reconsideration and subsequent allowance of the pending claims is earnestly solicited.

Respectfully submitted,

  
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